

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:08-cr-00097-FDW

UNITED STATES OF AMERICA, )  
 )  
vs. )  
 )  
(1) KELVIN GERARD MOSS, ) ORDER  
 )  
Defendant. )  
\_\_\_\_\_ )

THIS MATTER is before the Court on Defendant's *pro se* Motion for Appointment of Counsel and Motion for Compassionate Release (Doc. No. 117).

The Court hereby ORDERS the Government to respond to Defendant's Motion for Compassionate Release. (Doc. No. 117). The Government shall have **sixty (60) days** from the date of this Order to file its response with the Court. The Government shall advise the United States Probation Office if the Government believes a supplemental Presentence Investigation Report will be required.

With respect to the Motion to Appoint Counsel, criminal defendants have no right to counsel beyond their first appeal. E.g., United States v. Kenny, No. 3:01-cr-00185-FDW, 2020 WL 2094116, at \*1 (W.D.N.C. Apr. 30, 2020); United States v. Ismel, No. 3:94-CR-00008-1, 2012 WL 113392, at \*1 (W.D. Va. Jan. 13, 2012). Defendant has not shown extraordinary circumstances warranting the appointment of counsel at this time. The Motion for Appointment of Counsel is therefore DENIED.

IT IS THEREFORE ORDERED:


1. The Government *must* respond to the Defendant's Motion for Compassionate Release

(Doc. No. 117) within **sixty (60) days**; and

2. Defendant's Motion to Appoint Counsel (Doc. No. 117) is **DENIED**.

IT IS SO ORDERED.

Signed: January 5, 2021

  
Frank D. Whitney  
United States District Judge

